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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,090	10/29/2001	Gary Powell	PACT-1000-2	5362

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EXAMINER

LE, THIEN MINH

ART UNIT PAPER NUMBER

2876

DATE MAILED: 01/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/038,090

Applicant(s)

POWELL ET AL.

Examiner

Thien M. Le

Art Unit

2876

MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-55 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9 and 11-15 is/are rejected.
- 7) ☒ Claim(s) 3 and 10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: _____

DETAILED ACTION

The information disclosure statements filed on 1/29/2002; 10/16/2002; and 3/12/2003; all have been entered. Claims 1-55 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-9, 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Eom et al. (herein after referred as Eom – 5,810,930).

Regarding claim 1, Eom discloses in the descriptions to the prior section that Japanese Patent Application Laid-Open No. 62-190833A has proposed a photo-CVD apparatus which utilizes plasma etching to clean the optical window.

According to Eom, figure 1 of the JP Application shows a schematic view illustrating a construction of a conventional photo-CVD apparatus using plasma etching to clean an optical window. The photo-CVD apparatus comprises: a reaction chamber is generally divided into a reaction chamber 1; a light introducing chamber 11 by disposing a gate valve 7 in the center of the reaction chamber having a gas inlet 5; a gas outlet 6; a heater 4 and a heater holder 3; an optical window 12 is attached

to an upper most part of the light introducing chamber 11; and another gas inlet 8 and an gas outlet 9 are formed at both sides of the reaction chamber respectively. In addition, a plurality of electrodes 10 are formed in the light introducing chamber 11.

According to Eom, when the optical window is blurred during the photo-CVD process, the reaction chamber 1 are separated from the light introducing chamber 11 by closing the gate valve 7, and etching gas such as NF_3 is introduced into the light introduction chamber 11, after which high frequency voltage is applied to the plasma electrode 10, thereby plasma is generated, and a film of reaction products adhered to the optical window and an inner wall of the light introducing chamber 11 which is produced by the deposition reaction and the reaction gas is etched to make the optical window 12 clean. After the cleaning of the optical window 12 have been finished, the light introducing chamber 11 is made into high vacuum condition by exhausting the gas in the light introducing chamber 11 through the gas outlet 9. Thereafter, the gate valve 7 is opened and the photo-CVD process is carried out again.

As can be seen, Eom discloses the claimed invention.

Regarding claim 2, Eom discloses in the prior section that NF_3 gas is being introduced to the chamber for cleaning the window.

Regarding claim 4, see the discussions above.

Regarding claim 5, see the discussions above regarding the gas inlet 8 which is provide on a side of the light introduction chamber 11.

Regarding claims 6-8, see the discussions above.

Regarding claims 9, 11-15, see the discussions above.

Allowable Subject Matter

Claims 16-55 are allowed.

Claims 3, 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art discloses spectrographic system comprising a plasma source, a supplemental gas source. However, the prior art fails to disclose the specifics of the system in the manner as recited in claims 3, 10, and claims 16-55.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thien M. Le whose telephone number is (703) 305-3500. The examiner can normally be reached on Monday - Friday from 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Le, Thien Minh
Primary Examiner
Art Unit 2876
January 8, 2004